PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number	24207-10084

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]	**Application Number** 10/814,365	**Filed** March 31, 2004
on _____ Signature _____	**First Named Inventor** Omar Habib Khan	
Typed or printed name _____	**Art Unit** 2161	**Examiner** Chelcie L. Daye

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).
      Note: No more than five (5) pages may be provided.

I am the

☐   applicant/inventor.

                                                    /Robin W. Reasoner/
                                                                    Signature

☐   assignee of record of the entire interest.
        See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.   Robin W. Reasoner, Reg. No. 58,257
                                                                   Typed or printed name

☒   attorney or agent of record.
        Registration number 58,257_____.   (650) 335-7172
                                                                        Telephone number

☐   attorney or agent acting under 37 CFR 1.34.

        Registration number if acting under 37 CFR 1.34 _____   Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☐   *Total of _____ forms are submitted.

ATTACHMENT TO THE PRE-APPEAL BRIEF REQUEST FOR REVIEW

Pre-appeal brief review is appropriate in this application because the rejections in the February 19, 2008 Final Office Action are clearly improper and without any factual or legal basis. As set forth below, because the cited references fail to include any disclosure of essential claim elements these rejections are improper. Thus, Applicants respectfully request that the Panel indicate that claims 1, 3-13, 15-16, 19-20, 22-33, 36-38 and 40-41 recite allowable subject matter.

I.   Status of the Claims

Claims 1, 3-7, 10-11, 15, 19-20, 22-27, 30, 36-38 and 40-41 are rejected under 35 USC § 103(a) as allegedly being unpatentable over Malik (US Pat. No. 7,007,085) in view of Bharat (US Pat. No. 6,112,203) and further in view of Dumais (US Pat. No. 7,162,473). Additionally, claims 8-9, 12-13, 16, 28-29 and 31-33 are rejected under 35 USC § 103(a) as allegedly being unpatentable over Malik in view of Bharat, further in view of Dumais and further in view of Maybury (US Pat. No. 6,961,954).

II.   Rejection of claims 1, 3-7, 10-11, 15, 19-20, 22-27, 30, 36-38 and 40-41 under 35 USC § 103(a) over Malik in view of Bharat and further in view of Dumais

Independent claim 1 recites a computer-implemented for providing search results to a user, the method comprising:

> determining a list of named entities within a data store on a user's computer;
> identifying an event wherein the event comprises a user interaction with an article on the user's computer;
> identifying a plurality of named entities within the event;
> determining a weight to associate with each of the plurality of named entities based at least in part on a frequency of each of the plurality of named entities within the data store;
> **responsive to determining the weight to associate with each of the plurality of named entities, automatically creating an implicit search query based at least in part on the plurality of named entities and the associated weight, the implicit search query focused on a named entity with a higher associated weight more than on a named entity with a lower associated weight;**
> responsive to creating the implicit search query, retrieving from the user's computer a plurality of search results relevant to the search query; and

displaying the retrieved plurality of search results.

These features of the claimed invention are beneficial as the implicit search query that is automatically created responsive to determining the weight to associate with the plurality of named entities is based on the weighted named entities themselves. The aspect of weighting named entities allows the query system to focus on terms of potentially greater interest to the user.

Malik does not disclose or suggest "responsive to determining the weight to associate with each of the plurality of named entities, automatically creating an implicit search query based at least in part on the plurality of named entities and the associated weight, the implicit search query focused on a named entity with a higher associated weight more than on a named entity with a lower associated weight." Malik discloses methods allowing users to obtain information correlated or corresponding to a communication by logging the event in a message log and providing information related to the event based on the user's preferred method of communication via an instant message or a chat room message, for example. (Malik, col. 9, lns. 10-40.) As noted by the Examiner, Malik fails to disclose or suggest determining a weight to associate with each of the plurality of named entities based at least in part on a frequency of each of the plurality of named entities within the data store. (Office Action of 2/19/08, pg. 3.) Thus, Malik fails to disclose or suggest the recited feature of claim 1.

Bharat does not remedy the deficiencies of Malik. Bharat discloses a method for ranking a set of documents according to their content and their connectivity by using topic distillation. (Bharat, Abstract.) Bharat applies term frequency weighting to determine relevance weights that measure the similarity between a query topic and pages within a result set that were returned as the result of a query. (Bharat, col. 5, lns. 21-23.) Bharat discloses that the determined relevancy weights of the pages are used to prune the pages from a graph that will be used to rank the remaining documents if the weights fall below a threshold. (Bharat, col. 7, lns. 10-39.) There is no hint, mention or teaching in Bharat of automatically creating an implicit search query based at least in part on the plurality of named entities and the associated weight, nor any hint, mention or

2

teaching of the implicit search query focused on a named entity with a higher associated weight more than on a named entity with a lower associated weight, as recited in claim 1. Bharat simply discloses that the relevance weights are determined **after** a result set has been provided in response to a query. In contrast, the claimed invention determines weights to associate with each of the plurality of named entities **prior** to the implicit query being created which focuses on a named entity with a higher associated weight more than on a named entity with a lower associated weight.

Furthermore, if the teachings of Malik and Bharat were combined as suggested by the Examiner, the result would not correspond to the claimed feature of claim 1. The term frequency weighting of Bharat would be utilized to rank the resulting information corresponding to the user communication disclosed in Malik because Bharat only discloses applying term frequency weighting **after** a result set (e.g., the information corresponding to the communication of the user) has been provided. Thus, the resulting combination merely would translate to a weighted result list of relevant information associated with the user's communication. Whereas, in the claim invention the determination of weights to associate with each of the plurality of named entities occurs prior to the implicit query being created. As recited in claim 1, "automatically creating an implicit search query" is "responsive to determining the weight to associate with each of the plurality of named entities." Therefore, Bharat does not remedy the deficiencies of Malik for the reasons stated above.

Dumais does not remedy the deficiencies of Malik and Bharat. Dumais discloses a method for providing content-access-based information retrieval. (Dumais, Abstract.) User activity such as creating documents, reading email or viewing web pages triggers automatic indexing without additional work being performed by the user. (Dumais, cols. 1-2, lns. 65-67 and 1.) As noted by the Examiner, an implicit query may be generated when a user receives a telephone call from a particular person which prompts the retrieval of the last five e-mails from the person. (Dumais, col. 5, lns. 29-31.) Thus, Dumais simply discloses the generation of implicit queries in response to user activity (e.g., receiving the telephone call from a person)

3

which prompts retrieval of information that is relevant to the user activity (e.g., retrieving e-mails from the person) from the index. As there is no hint, mention or suggestion in Dumais of determining the weight to associate with each of the plurality of named entities, Dumais does not disclose or suggest the recited feature of claim 1. Thus, Dumais does not remedy the deficiencies of Malik and Bharat.

Independent claims 19-20 and 36 likewise recite "responsive to determining the weight to associate with each of the plurality of named entities, automatically creating an implicit search query based at least in part on the plurality of named entities and the associated weight, the implicit search query focused on a named entity with a higher associated weight more than on a named entity with a lower associated weight." The Examiner provides the same rejection for claims 19-20 and 36 as for claim 1, and thus their rejections are based on the same deficiencies discussed above with respect to claim 1. Accordingly, Malik, Bharat and Dumais, either alone or in combination do not disclose or suggest the specific features of the claimed invention necessary for prima facie obviousness required by MPEP §2143.03. Applicants therefore respectfully submit that this ground of rejection is unjustified and request reconsideration and allowance of the claims.

III. Rejection of claims 8-9, 12-13, 16, 28-29 and 31-33 under 35 USC § 103(a) over Malik in view of Bharat, further in view of Dumais and further in view of Maybury

Dependent claims 8-9, 12-13, 16, 28-29 and 31-33 depend either directly or indirectly from the patentable independent claims 1, 20 and 36. Maybury does not remedy the deficiencies of Malik, Bharat and Dumais discussed above in regards to the rejection of independent claims 1, 19-20 and 36.

Maybury discloses techniques for automated analysis of multimedia, such as a news broadcast. (Maybury, Abstract.) The user navigates to related stories by clicking on data points on a graph of the frequency of named entities versus date. (Maybury, col. 16, lns. 48-61.) As there is no hint, mention or suggestion in Maybury of "responsive to determining the weight to associate with each of the plurality of named entities, automatically creating an implicit search

4

query based at least in part on the plurality of named entities and the associated weight, the implicit search query focused on a named entity with a higher associated weight more than on a named entity with a lower associated weight," Maybury does not disclose or suggest the recited features of claims 1, 20 and 36 from which claims 8-9, 12-13, 16, 28-29 and 31-33 depend.

Accordingly, Malik, Bharat, Dumais and Maybury, either alone or in combination do not disclose or suggest the specific features of the claimed invention necessary for prima facie obviousness required by MPEP §2143.03. Applicants therefore respectfully submit that this ground of rejection is unjustified and request reconsideration and allowance of the claims. Applicants respectfully submit that claims 8-9, 12-13, 16, 28-29 and 31-33 are allowable for at least the reasons described above, in addition to the further patentable features recited therein.

IV.   Summary

Based on the foregoing, Applicants respectfully submit that each of the pending rejections suffers from a clear deficiency. Accordingly, Applicants request that the final rejection of the pending claims be withdrawn.

Respectfully Submitted,
OMAR HABHB KHAN, ET AL.

Date: April 24, 2008   By: /Robin W. Reasoner/

Robin W. Reasoner, Attorney of Record
Registration No. 58,257
FENWICK & WEST LLP
801 California Street
Mountain View, CA 94041
Phone: (650) 335-7172
Fax: (650) 938-5200
Email: rreasoner@fenwick.com

5